

REMARKS

Amendments to claims 1, 16, 35, 36, 39, and 43 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102/103

Claims 1, 11, 12, 14, 16, 19-21, 24, 25, 27, 29-32, 35-40, 43, and 44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,957,920 (Baker). Applicant respectfully notes that in order to sustain a rejection under §102, each element in the rejected claim must be found, either expressly or inherently, in the cited reference.

Claims 1, 11-15, and 31-35

Claims 1 and 35 each recites a feedback apparatus connected to *a distal end of a patient cable*. Baker does not disclose or suggest such limitation. Rather, Baker discloses a thermal energy delivery system 5 having a working portion 25 for delivering thermal energy, and a plurality of sensors 80 connected to the working portion 25 (column 8, lines 31-48, and column 10, lines 28-38). Because the sensors 80 are connected to the working portion 25, which is a part of the energy delivery device, the sensors 80 are not connected to a distal end of a patient cable, as required in claims 1 and 35. For at least the foregoing reason, claims 1 and 35 are believed allowable over Baker. For at least the same reason that claim 1 is allowable over Baker, claims 11-15 and 31-34, which depend from claim 1, are also believed allowable over Baker.

Claims 16, and 19-30, and 36-38

Claims 16 and 36 each recites a method that requires *compensating for a power loss* along a patient cable. Baker does not disclose or suggest such limitation. Rather, Baker teaches preventing a temperature at a treatment site from exceeding a certain temperature by determining a temperature

or an impedance at the treatment site, and using the determined variable to control an amount of energy being delivered to the site (See column 10, line 63 to column 11, line 1). As such, Baker does not disclose or suggest compensating for a power loss along a patient cable, as recited in claims 16 and 36. Further, because Baker teaches preventing a maximum temperature at a treatment site from being exceeded, i.e., by reducing a delivery of power, it in fact teaches away from compensating for a *power loss* (e.g., by increasing a delivery of power). For at least the foregoing reasons, claims 16 and 36, and their respective dependent claims 19-30, 37, and 38, are believed allowable over Baker.

Claims 39-46

Claims 39 and 43 each recites a power regulation circuit configured to compensate for a *power loss* along the patient cable. As similarly discussed previously, Baker does not disclose or suggest such power regulation circuit. Rather, Baker discloses a controller 100 for preventing a temperature at a treatment site from exceeding a certain temperature (column 10, line 28 to column 11, line 29, and figure 6). There is nothing in Baker that discloses or suggests a power regulation circuit for compensating a power loss along a patient cable. For at least the foregoing reason, claims 39 and 43 and their respective claims 40-42 and 44-46 are believed allowable over Baker.

CONCLUSION

Based on the foregoing, all remaining claims are believed in condition for allowance. If, the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the below-listed number.

Respectfully submitted,

Bingham McCutchen LLP

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By: David T. Burse
David T. Burse
Reg. No. 37,104

Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, California 94111
(650) 849-4400